



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,846	11/09/2001	Claude Couture	CLW 2 0148	7917

7590 06/03/2004
FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP
7th Floor
1100 Superior Avenue
Cleveland, OH 44114-2516

EXAMINER

TRAN, THAO T

ART UNIT	PAPER NUMBER
----------	--------------

1711

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,846

Applicant(s)

COUTURE ET AL.

Examiner

Thao T. Tran

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-9 and 66-82 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 4-9 and 66-82 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/22/04
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This is in response to the Amendments received on March 22, 2004. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.
2. Claims 4-9, 66-82 are currently pending in this application. Claims 1-3 and 10-65 have been canceled. Claims 70-82 have been newly added.

Claim Rejections - 35 USC § 112

3. In view of the prior Office action of October 24, 2004, the rejection of claim 69, under 35 U.S.C. 112, second paragraph, has been withdrawn due to the Amendments made thereto.

Claim Rejections - 35 USC § 102

4. In view of the prior Office action of October 24, 2004, the rejection of claims 4-9 and 66-69 under 35 U.S.C. 102(b) as being anticipated by Chaudhuri et al. (US Pat. 4,508,705) or Hooper et al. (US Pat. 4,278,658), has been withdrawn due to the Amendments made thereto.
5. Claims 4-6 and 66-82 are rejected under 35 U.S.C. 102(b) as being anticipated by Mindt et al. (US Pat. 4,296,234).

Mindt teaches an absorbent disposable product, comprising a highly absorbent material; the absorbent material being a water-insoluble crosslinked gelatinized starch and fibrous materials such as cotton cloth, paper, or cellulosic fluff (see abstract; col. 5, ln. 67 bridging col. 6, ln. 10). The gelatinized starch is crosslinked by ether linkages of the formula -O-R-O-;

Art Unit: 1711

wherein R is an aliphatic group containing 1 to 10 carbon atoms or an alkylene group containing 1 to 2 carbon atoms (see col. 2, ln. 40-65). Mint further teaches the crosslinking agent to be bis-epoxypropylether (see col. 4, ln. 13), which meets the requirements for the instant claims.

With respect to claim 69, it has been within the skill in the art that intended use in the preamble would have no significant patentable weight in a product claim.

With respect to claims 74-82, it has been within the skill in the art that process limitations would have no significant patentable weight in a product claim.

6. Claims 4-9 and 66-82 are rejected under 35 U.S.C. 102(b) as being anticipated by Irie et al. (US Pat. 5,264,495).

Irie teaches an absorbent composition, comprising an absorbent resin (B) crosslinked with a component (A) in the presence of a crosslinking agent (see abstract; col. 4, ln. 55-59). Irie further teaches the absorbent resin (B) to be crosslinked carboxymethyl cellulose, and the crosslinking agent to be polyethylene glycol (see col. 3, ln. 28-33; col. 5, ln. 4).

With respect to claim 69, it has been within the skill in the art that intended use in the preamble would have no significant patentable weight in a product claim.

Moreover, with respect to claims 74-82, it has been within the skill in the art that process limitations would have no significant patentable weight in a product claim.

Response to Arguments

7. Applicant's arguments filed March 22, 2004 have been fully considered but they are not persuasive.

Art Unit: 1711

Applicants contend that Mindt does not teach the crosslinked polysaccharide as presently claimed since the reference does not teach the use of an activated polyethylene glycol to prepare the crosslinked polysaccharide. However, instant claims 4-6 recite a crosslinked polysaccharide, which can be a product of crosslinker bis-epoxypropylether, which is disclosed in Mindt as pointed out in paragraph 5 above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 8:30 a.m. - 5:00 p.m..

Art Unit: 1711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tt

tt
May 28, 2004



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700